Minutes of Regular Meeting # 719 Held in the Lake Elmo City Council Chambers
Thursday, December 9, 2004

MANAGERS PRESENT: Dave Bucheck, President; Don Scheel, Secretary; Dale Borash, Treasurer; and Duane Johnson, Manager

MANAGERS ABSENT: Lincoln Fetcher, Vice President

STAFF PRESENT: John Hanson, Barr Engineering; Ray Marshall, Attorney; Ray Roemmich, Inspector

STAFF ABSENT: Karen Schultz, Recording Secretary

OTHERS PRESENT: Candice Kraemer, CAC; Sharon Schwarze, City of Grant; Michael Moriarty, Woodbury, Heritage Development; Christopher Call, Dwayne Sikich and Steve Johnson, Retreat at Garden Gate; Chris Carda, RLK-Kuusisto, Ltd., Oakdale Marketplace; Jyneen Thatcher, Washington Conservation District, Valley Creek Erosion Inventory

CALL TO ORDER President Bucheck called the meeting to order at 7:03 p.m.

ANNOUNCEMENTS President Bucheck announced that he had received notice of Lincoln Fetcher=s reappointment to a three-year term on the Board of Managers.

APPROVAL OF MINUTES After discussion of the minutes of the November 11, 2004 meeting, motion was made by Scheel and seconded by Johnson to approve the minutes as amended. Motion carried unanimously.

ADDITIONAL AGENDA ITEMS Added to the agenda under Engineer, was Oakdale Marketplace, Oakdale, which had been inadvertently omitted from the agenda.

PUBLIC FORUM There was no discussion in the Public Forum segment of the meeting.

CITIZENS ADVISORY COMMITTEE Chuck Taylor did not attend the meeting, but had mailed his report on lake levels to the managers, which was discussed at the meeting.

SECRETARY=S REPORT Secretary Scheel reported that he had distributed the mail.

INSPECTOR=S REPORT Inspector Roemmich reported that he has been working with developers to get some seeding and mulching done.

ATTORNEY=S REPORT Attorney Marshall said he had nothing new to report.

TREASURER=S REPORT Treasurer Borash distributed copies of the Administrative and Program Budgets for Fiscal Year 2004 dated November 30, 2004, and the Treasurer=s Report dated December 9, 2004. After discussion, motion was made by Borash and seconded by Scheel to approve the Treasurer=s Report. Motion carried unanimously.
ENGINEER’S REPORT Permit Request: The Retreat at Garden Gate, Woodbury  Engineer Hanson described a permit located northwest of Cottage Grove Drive (CR 72) and Eastwood Road in Woodbury in the northeast quarter of the southeast quarter of Section 2, Township 28 North, Range 21 West. The purpose of the project is to construct an apartment building, and six condominium complexes (each complex has three buildings, underground parking, surface guest parking, and landscaped courtyards).

The managers, Engineer Hanson, the developer, and the developer’s engineers discussed the proposed underground parking garages at length. Several of the garages are proposed to be lower than the adjacent pond’s 100-year flood level. Engineer Hanson had highlighted some plans that showed the ponds would not overflow into the garages, but Engineer Hanson indicated that there could be some groundwater uplift on the garage floors that could impact the entire structure above. The developer and his engineer showed the managers a profile of a pond and condominium and answered the managers’ questions.

After discussion of the wetland management concerns, water management concerns, and erosion control concerns, and minimum floor elevations, motion was made by Borash and seconded by Scheel to approve Permit # 2004-28, with the engineer’s suggested site-specific conditions and standard conditions, to include a change to # 3 of the engineer’s site-specific conditions. Motion carried unanimously.

CHANGE IN ORDER OF AGENDA ITEMS At this time President Bucheck authorized a change in the order of agenda items.

Permit Revision Request: Oakdale Marketplace, Oakdale  Engineer Hanson explained that the applicant for the Oakdale Marketplace has requested revisions to Permit # 2004-17, which was approved by the managers on August 12, 2004. The applicant has made minor changes to the hydrologic modeling, based on more accurate existing culvert size information and assuming less infiltration at stormwater ponds. These minor changes and minor site revisions predict slightly different 100-year flood levels than listed in the approved VBWD permit.

After discussion of the requested revisions, motion was made by Scheel and seconded by Borash to approve the requested revisions to Permit # 2004-17. Motion carried unanimously.

Sunnybrook Lake - Optimizing Existing Flood Storage Project At the last meeting, the managers agreed to hire Mr. Doug Johnson, with Evergreen Land Services Company, to appraise property in the Sunnybrook Lake area for easements in the Sunnybrook Lake Project. At this meeting, the managers discussed the cost of eight appraisals in the Sunnybrook Lake area. Motion was made by Bucheck and seconded by Scheel to approve the hiring of Mr. Doug Johnson, of Evergreen Land Services Company, to carry out the appraisals in the Sunnybrook Lake area easements for an amount not to exceed $10,000. Motion carried, with the following vote by managers: Bucheck, Yes; Scheel, Yes; Johnson, Yes; Borash, No.

Engineer Hanson was directed to contact Mr. Doug Johnson, of Evergreen Land Services Company, with this information, and to tell Mr. Johnson to proceed with the appraisals.

At the last meeting, the managers directed Engineer Hanson to write a letter to Michael Johnson regarding his offer to use his property for flood relief in the Sunnybrook Lake area. Engineer Hanson had mailed a draft of the brief letter to the managers, and at this meeting, President Bucheck asked Engineer Hanson to lengthen the letter, explaining the details of the managers’ decision not to use his property for flood relief.

Engineer Hanson had mailed to the managers a memorandum regarding calculations of flooding depths and durations on Jocelyn Road and Keats Avenue in the Sunnybrook Lake area. The managers discussed the calculations. Motion by Bucheck and seconded by Scheel to recommend to the City of Grant that Keats Avenue should be raised to Elevation 981.7 and Jocelyn Road to be raised to Elevation 982. The managers directed Engineer Hanson to send a letter with the information and recommendation to the Mayor of the City of Grant with a copy to the Grant City Council, and Grant City Engineer. Motion carried unanimously.
Valley Creek Data Report by St. Croix Watershed Research Station  Engineer Hanson had mailed copies of a Valley Creek Data Report to the managers, which was prepared by Jim Almendinger, with the St. Croix Watershed Research Station. Dr. Almendinger would like to make a presentation to the managers on the progress of the research project, and the managers directed Engineer Hanson to invite Dr. Almendinger to the second meeting in January 2005.

Update: Silver Lake Bioretention Site  Engineer Hanson had mailed photographs of the Silver Lake Bioretention site. The managers discussed the contractor=s expenditures, and developing a rule to allow expenditures prior to the managers= approval when time is critical. After receiving advice from Attorney Marshall, motion was made by Bucheck and seconded by Scheel, to ratify the additional expenditures of $4,000 for the Silver Lake Bioretention Site enhancements. Motion carried, with a vote of the managers as follows: Bucheck, Yes; Scheel, Yes; Johnson, Yes; Borash, No.

MANAGERS= REPORT  Next Meeting - January 13, 2005  The managers expect a quorum to be present on January 13th.

Valley Creek Erosion Inventory  The managers agreed to discuss this topic at the January 13th meeting. Jyneen Thatcher of the Washington Conservation District, gave her comments on the draft report.

Consultant Selection  Legal Consultant  Motion was made by Bucheck and seconded by Johnson to retain the firm of Lawson, Marshall, McDonald, Galowitz, and Wolle as the legal consultant for the VBWD for the year 2005. Motion carried unanimously.

Auditing Consultant  Motion was made by Bucheck and seconded by Borash to retain the auditing services of Tautges Redpath HLB for the year 2005. Motion carried unanimously.

Engineering Consultant  Motion was made by Bucheck and seconded by Johnson to retain Barr Engineering as the consulting engineer for the VBWD for the year 2005. Motion carried unanimously.

Official Newspaper and Bank  Motion was made by Bucheck and seconded by Scheel to retain the services of Lillie Suburban Newspapers as the District=s legal newspaper for the year 2005. Motion carried unanimously.

Organization of Board Officers  Motion was made by Johnson and seconded by Borash to renominate, and thereby, re-elect the entire Board of Managers in their current positions. Motion carried unanimously.

Gateway Trail Erosion  At a previous meeting, Manager Fetcher had brought to the managers= attention, an erosion issue along the Gateway Trail. Engineer Hanson had passed the issue along to the MnDNR, and the MnDNR responded, saying they did not have money to stabilize the problem. The MnDNR asked if the VBWD would pay for the repairs. The managers discussed the issue and concluded that because they do not own the trail, they will not pay for the repairs.

MAWD Convention  President Bucheck had attended the 2004 MAWD convention in early December. He reported on some of the seminars and resolutions.

Mileage Allowance  Motion was made by Scheel and seconded by Borash to approve mileage allowance for the managers and consultants at 40.5 cents per mile. Motion carried unanimously.

Annual Audit Expenditure  Motion was made by Borash and seconded by Scheel to approve the expenditure for the 2004 annual audit and authorize signatures. Motion carried unanimously.
ADJOURNMENT Motion made by Borash and seconded by Scheel at 9:45 p.m. to adjourn the meeting. Motion carried unanimously.

Respectfully Submitted,

Donald Scheel, Secretary